

B.H. a minor, by and through his  
Next Friend, NIKKI HUTCHISON,  
  
Plaintiff,  
  
v.  
  
BA BRANSON, LLC, d/b/a BIG AIR  
TRAMPOLINE PARK,  
  
Defendant.

(Removal from the Circuit Court of  
Taney County, 46<sup>th</sup> Judicial Circuit  
Case No.: 2446-CC00205)

Case 6:24-cv-03292-DPR Document 4 Filed 10/15/24 Page 1 of 19

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**ATTORNEYS FOR DEFENDANT,  
BA BRANSON, LLC., d/b/a  
BIG AIR TRAMPOLINE PARK**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certifies that on this **15<sup>th</sup>** day of **October 2024**, a true and correct copy of the foregoing was served via the Court's CM/ECF system which generated electronic notice of same to all counsel of record

/s/ Byron A. Bowles, Jr. \_\_\_\_\_

Byron A. Bowles, Jr.

*Attorney for Defendant, BA Branson LLC, d/b/a  
Big Air Trampoline Park*

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

B.H. a minor, by and through his  
Next Friend, NIKKI HUTCHISON,

Plaintiff,

vs.

BA BRANSON, LLC,  
d/b/a BIG AIR TRAMPOLINE PARK,

Serve:

CT Corporation System, Registered Agent)

120 S. Central Ave.

Clayton, MO 63105

Defendant.

Case No.

JURY TRIAL DEMANDED

PETITION

COMES NOW plaintiff B.H. a minor, by and through his Next Friend, Nikki Hutchison, and his attorneys, Strong Law, P.C., and for his cause of action against defendant BA Branson, LLC, d/b/a Big Air Trampoline Park states and alleges as follows:

PARTIES

1. Plaintiff B.H. a minor, by and through his Next Friend, Nikki Hutchison (hereinafter "B.H."), is a resident of the State of Arkansas.

2. Defendant BA Branson, LLC, d/b/a Big Air Trampoline Park (hereinafter "Big Air"), is an Oklahoma limited liability company, with its principal place of business in Taney County, Missouri. At all relevant times, Big Air operated a trampoline park in Taney County, Missouri. Defendant Big Air may be served through its registered agent, CT Corporation System, 120 S. Central Ave., Clayton, Missouri 63105.

**JURISDICTION AND VENUE**

3. The facts giving rise to B.H.'s claims occurred in Taney County, Missouri and venue and jurisdiction are proper in this Court.

**FACTS COMMON TO ALL COUNTS**

4. On January 28, 2023, defendant BA Branson, LLC, was the owner of Big Air Trampoline Park, located at 3300 Gretna Rd., Branson, MO 65616 (hereinafter referred to as the "Property").

5. Big Air advertised the property as an "exciting trampoline park" that "provid[ed] kiddos and kids at heart with the opportunity to bounce, play, climb, and have a blast in the Ozarks."

6. On January 28, 2023, the Property had a 25-foot climbing wall attraction called, "The Wall".

7. The employee of Big Air Trampoline Park that was supervising that area handed B.H. a harness and with the only instruction to B.H. being to kick away from the wall at the top.

8. B.H. ascended The Wall, and after reaching the top, kicked away from the wall to descend.

9. When he did so, B.H. came straight down and slammed into the ground. When B.H. struck the ground, he felt his knee snap. That snapping was the rupture of his patellar tendon.

10. B.H. was rushed to the hospital and had surgery as a result of his injuries.

**COUNT I - NEGLIGENCE**

COMES NOW plaintiff B.H. and for Count I of his Petition against defendant Big Air, alleges and states as follows:

11. B.H. incorporates herein by reference all paragraphs and subparagraphs of his Petition.

12. On January 28, 2023, Big Air owed B.H. the duty to exercise reasonable and ordinary care in making the Property safe for his use.

13. On January 28, 2023, the Property was in a dangerous condition because, The Wall had a cable that did not allow a climber to slowly descend and thereby created a dangerous condition on its premises.

14. The dangerous condition on defendant Big Air's Property exposed persons using or attempting to use the climbing wall on the Property to an unreasonable risk of injury, including B.H.

15. Prior to January 28, 2023, defendant Big Air knew, or in the exercise of ordinary care could have known about the dangerous condition.

16. As a direct and proximate result of the dangerous condition, B.H. suffered severe injury to his knee, including a ruptured left patella tendon, requiring surgery on his knee. He has been rendered nervous by the incident, has suffered anxiety of body and mind and has suffered emotional upset and loss of enjoyment of life. He has suffered all of the above injuries, pain, and damages since the date of the fall, suffers them at the present time, and will suffer them into the future, said injuries, pain, and damages being permanent, disabling, and progressive.

17. By reason of his injuries, B.H. has paid or become obligated to pay for, and will in the future pay or become obligated to pay for items of expense in obtaining and receiving medical care and treatment.



18. By reason of the foregoing, B.H. has been damaged and is entitled to fair and reasonable compensation.

WHEREFORE, plaintiff B.H. prays for judgment against defendant Big Air, and for such sums as are reasonable and necessary to compensate him for his personal injuries and damages resulting from the incident described in this Petition, for his costs expended herein, post-judgment interest, and for all other relief deemed just and proper.

### **COUNT II: NEGLIGENCE**

COMES NOW plaintiff B.H. and for Count II of his Petition against defendant Big Air, alleges and states as follows:

19. B.H. incorporates herein by reference all paragraphs and subparagraphs of his Petition.

20. On January 28, 2023, defendant Big Air owed B.H. a duty to exercise reasonable and ordinary care not to expose its patrons to dangers on its property, including the climbing wall attraction.

21. Defendant Big Air was negligent and breached its duty of care in one or more of the following ways, either individually, in combination, or in the alternative:

- a. Failing to warn guests that they would need help to descend from The Wall;
- b. Failing to instruct guests on how to dismount off The Wall in a safe manner;
- c. Failing to have proper training in place for its employees regarding safe use of the climbing wall;
- d. Failing to adequately train, supervise, and/or monitor its employees.
- e. Failing to properly monitor the children on its premises;
- f. Allowing children to scale a 25-foot wall without assistance;
- g. Allowing children to descend a 25-foot wall without assistance; and

- h. Not properly inspecting its equipment; and
- i. Providing inaccurate or incorrect guidance or training to the children using The Wall.

22. As a direct and proximate result of the dangerous condition, B.H. suffered severe injury to his knee, including a ruptured left patella tendon, requiring surgery on his knee. He has been rendered nervous by the incident, has suffered anxiety of body and mind and has suffered emotional upset and loss of enjoyment of life. He has suffered all of the above injuries, pain, and damages since the date of the fall, suffers them at the present time, and will suffer them into the future, said injuries, pain, and damages being permanent, disabling, and progressive.

23. By reason of his injuries, B.H. has paid or become obligated to pay for, and will in the future pay or become obligated to pay for items of expense in obtaining and receiving medical care and treatment.

24. By reason of the foregoing, B.H. has been damaged and is entitled to fair and reasonable compensation.

WHEREFORE, plaintiff B.H. prays for judgment against defendant Big Air, and for such sums as are reasonable and necessary to compensate him for his personal injuries and damages resulting from the incident described in this Petition, for his costs expended herein, post-judgment interest, and for all other relief deemed just and proper.



**STRONG LAW, P.C.**



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***Attorneys for Plaintiff***

**IN THE CIRCUIT COURT OF TANEY COUNTY  
STATE OF MISSOURI**

B.H. a minor, by and through his  
Next Friend, NIKKI HUTCHISON,

Plaintiff,

vs.

BA BRANSON, LLC,  
d/b/a BIG AIR TRAMPOLINE PARK,

Defendant.

Case No.

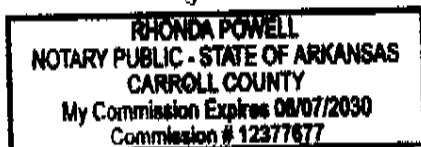
**MOTION FOR APPOINTMENT OF NEXT FRIEND AND  
CONSENT TO APPOINTMENT AS NEXT FRIEND**

COMES NOW Nikki Hutchison, Natural Mother of **Minor Child** a minor born **DOB**, and requests to be appointed Next Friend of the minor for purposes of pursuing settlement of the claim against defendant herein. The undersigned, Nikki Hutchison, natural mother and legal guardian of **Minor Child**, hereby consents that she be appointed as Next Friend of the minor for the sole purpose of pursuing the above-captioned and numbered cause.

*Nikki Hutchison*  
NIKKI HUTCHISON

*Before me personally appeared Nikki Hutchison  
on August 26, 2024*

*Rhonda Powell*  
*Notary Public*



IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

B.H., a minor, by and through his  
Next Friend, NIKKI HUTCHISON,

Plaintiff,

vs.

Case No.:

BA BRANSON, LLC,  
D/B/A BIG AIR TRAMPOLINE PARK,

Defendant.

CONSENT FOR NEXT FRIEND

COMES NOW, Minor Child and states the following:

1. Nikki Hutchison is my mother and legal guardian.
2. I am now Minor Child
3. I live with Nikki Hutchison at Minor Child - Address
4. I have no other next friend, guardian, or conservator.
5. Nikki Hutchison is qualified to act as Next Friend for me in this matter.
6. I hereby consent to Nikki Hutchison being appointed as my next friend.

WHEREFORE, the undersigned prays the Court of an Order appointing Nikki Hutchison as Next Friend for minor Minor Child for purposes of bringing the above-mentioned claim.

Date

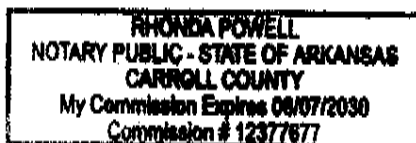
8-26-24

Minor Child

Minor Child

Before me personally appeared  
on Aug 26, 2024

Rhonda Powell  
Notary Public





# IN THE 46TH JUDICIAL CIRCUIT, TANEY COUNTY, MISSOURI

Judge or Division: JEFFREY M MERRELL	Case Number: 2446-CC00205	(Date File Stamp)
Plaintiff/Petitioner: B. H.	Plaintiff's/Petitioner's Attorney/Address JACOB ANTHONY LEWIS 901 E St.Louis St Suite 1800 Springfield, MO 65806	
Defendant/Respondent: BA BRANSON, LLC D/B/A BIG AIR TRAMPOLINE PARK	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653	
Nature of Suit: CC Pers Injury-Other		

## Summons in Civil Case

The State of Missouri to: BA BRANSON, LLC D/B/A BIG AIR TRAMPOLINE PARK

Alias:

CT CORPORATION SYSTEM, RA  
120 S. CENTRAL AVENUE  
CLAYTON, MO 63105

COURT SEAL OF



TANEY COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/27/2024

Date

/s/ Amy Strahan,tm

Clerk

Further Information:

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.  
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with \_\_\_\_\_, a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



# IN THE 46TH JUDICIAL CIRCUIT, TANEY COUNTY, MISSOURI

RETURN

SB

9-26

Judge or Division: JEFFREY M MERRELL	Case Number: 2446-CC00205
Plaintiff/Petitioner: B. H.	Plaintiff's/Petitioner's Attorney/Address JACOB ANTHONY LEWIS 901 E St.Louis St Suite 1800 Springfield, MO 65806
Defendant/Respondent: BA BRANSON, LLC D/B/A BIG AIR TRAMPOLINE PARK	Court Address: 266 MAIN STREET PO BOX 129 FORSYTH, MO 65653
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: BA BRANSON, LLC D/B/A BIG AIR TRAMPOLINE PARK

Alias:

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120 S. CENTRAL AVENUE  
CLAYTON, MO 63105

COURT SEAL OF



TANEY COUNTY

30  
CTCORP m

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/27/2024

Date

/s/ Amy Strahan, tm

Clerk

Further Information:

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☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and petition to: Intake Specialist (name) Intake Specialist (title).

☒ other: CT CORP  
 Served at 120 South Central, 63105 (address)  
 in St Louis (County/City of St. Louis), MO, on 9/12/24 (date) at 8:41 (time).

Charles Craven  
 Printed Name of Sheriff or Server

[Signature]  
 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary \_\_\_\_\_  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

A copy of the summons and petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

EXHIBIT  
B

**IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI**

B.H. a minor, by and through his  
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Plaintiff,

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BA BRANSON, LLC., d/b/a BIG AIR  
TRAMPOLINE PARK,

Defendant.

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Case No.: 2446-CC00205

**ENTRY OF APPEARANCE**

NOW COMES Byron A. Bowles, Jr. of McAnany, Van Cleave & Phillips, P.A., and hereby enters his appearance as Lead Counsel on behalf of Defendant, BA Branson, LLC., d/b/a Big Air Trampoline Park.

Respectfully submitted,

**MCANANY, VAN CLEAVE & PHILLIPS, P.A.**

/s/ Byron a. Bowles, Jr.  
Byron A. Bowles, Jr., MO Bar No. 47050  
10 E. Cambridge Circle Drive, Suite 300  
Kansas City, KS 66103  
Ph: (913) 371-3838  
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**ATTORNEY FOR DEFENDANT,  
BA BRANSON, LLC., d/b/a  
BIG AIR TRAMPOLINE PARK**



### **CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on this **15<sup>th</sup>** day of **October 2024**, the foregoing document was electronically filed with the Clerk of the Court via the Court's e-filing and service provider, CASENET, which will serve electronic notification of said filing upon the following counsel of record:

Steve Garner  
Jacob Lewis  
STRONG LAW, P.C.  
[sgarner@stronglaw.com](mailto:sgarner@stronglaw.com)  
[jlewis@stronglaw.com](mailto:jlewis@stronglaw.com)  
*Attorneys for Plaintiff*

/s/ Byron A. Bowles, Jr. \_\_\_\_\_  
Byron A. Bowles, Jr.  
*Attorney for Defendant,*  
*BA Branson, LLC., d/b/a*  
*Big Air Trampoline Park*



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[sgarner@stronglaw.com](mailto:sgarner@stronglaw.com)  
[jlewis@stronglaw.com](mailto:jlewis@stronglaw.com)  
*Attorneys for Plaintiff*

/s/ Joshua L. Mareschal  
Joshua L. Mareschal  
*Attorney for Defendant,*  
*BA Branson, LLC., d/b/a*  
*Big Air Trampoline Park*

B.H. a minor, by and through his  
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V.

BA BRANSON, LLC., d/b/a BIG AIR  
TRAMPOLINE PARK,

Defendant.

Case No.: 2446-CC00205

### **ENTRY OF APPEARANCE AS CO-COUNSEL**

NOW COMES Eric C. Harmon of McAnany, Van Cleave & Phillips, P.A., and hereby enters his appearance as additional Co-counsel on behalf of Defendant, BA Branson, LLC., d/b/a Big Air Trampoline Park.

Respectfully submitted,

**MCANANY, VAN CLEAVE & PHILLIPS, P.A.**

By: /s/ Eric C. Harmon  
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-And -

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Fx: (417) 865-0008  
Email: [jmareschal@mvplaw.com](mailto:jmareschal@mvplaw.com)

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BIG AIR TRAMPOLINE PARK**

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[jlewis@stronglaw.com](mailto:jlewis@stronglaw.com)  
*Attorneys for Plaintiff*

/s/ Eric C. Harmon  
Joshua L. Mareschal  
*Attorney for Defendant,  
BA Branson, LLC., d/b/a  
Big Air Trampoline Park*